

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 377

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO HIGHER EDUCATION; ELIMINATING THE REQUIREMENT THAT
CERTAIN TWO-YEAR INSTITUTIONS MUST USE ALL OTHER SCHOLARSHIP
FUNDS BEFORE GRANTING ANY LOTTERY TUITION SCHOLARSHIPS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-13-10 NMSA 1978 (being Laws 1963,
Chapter 17, Section 9, as amended) is amended to read:

"21-13-10. BOARD DUTIES. --

A. It is the duty of the community college board to
determine financial and educational policies of the community
college. The community college board shall provide for the
management of the community college and execution of these
policies by selecting a competent president for the community
college, and, upon the president's recommendation, the board
shall employ other administrative personnel, instructional

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underscored material = new
[bracketed material] = delete

1 staff or other personnel as may be needed for the operation,
2 maintenance and administration of the community college.

3 B. The community college board shall have the power
4 to fix tuition and fee rates for resident and nonresident
5 students of the district, to accept gifts, to accept federal
6 aid, to purchase, hold, sell and rent property and equipment
7 and to promote the general welfare of the institution for the
8 best interest of educational service to the people of the
9 community college district.

10 C. To the extent that funds are made available by
11 the legislature from the lottery tuition fund, the community
12 college board shall award tuition scholarships for qualified
13 resident students attending their respective institutions.

14 ~~[All other scholarship funds available to the board shall be
15 used before granting any lottery tuition scholarships.]~~

16 D. The tuition scholarships authorized in this
17 section shall apply only to full-time resident students who,
18 immediately upon completion of a high school curriculum at a
19 public or accredited private New Mexico high school or upon
20 receiving a graduate equivalent diploma, are accepted for
21 entrance to and attend a community college. Each tuition
22 scholarship shall be awarded for up to two consecutive years
23 beginning the second semester of the recipient's first year of
24 enrollment, provided that the recipient has maintained
25 residency in New Mexico and maintained a grade-point average of

1 2.5 or higher on a 4.0 scale during his first semester of full-
2 time enrollment.

3 E. The commission on higher education shall prepare
4 guidelines setting forth explicit student continuing
5 eligibility criteria and guidelines for administration of the
6 tuition scholarship program. Guidelines shall be distributed
7 to community college boards to enable a uniform availability of
8 the ~~[scholarship]~~ resident student tuition scholarships. "

9 Section 2. Section 21-13-19 NMSA 1978 (being Laws 1968,
10 Chapter 70, Section 2, as amended) is amended to read:

11 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

12 A. For those students in community colleges taking
13 college-level courses, full-time-equivalent students shall be
14 defined and computed by the commission on higher education in
15 the same manner in which it defines and computes full-time-
16 equivalent students for all other college-level programs within
17 its jurisdiction.

18 B. No student shall be included in any calculations
19 made under the provisions of this section if the student is
20 enrolled in a course the cost of which is totally reimbursed
21 from federal, state or private sources. The public school
22 district shall transfer to the community college the tuition
23 and fees for any student who, during the term, is counted in
24 the membership of the public school district and will receive
25 high school credit for coursework at the community college.

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1 C. The commission on higher education shall not
2 recommend an appropriation greater than three hundred twenty-
3 five dollars (\$325) for each full-time-equivalent student for
4 any community college that levies a tax at a rate less than two
5 dollars (\$2.00), unless a lower amount is required by operation
6 of the rate limitation provisions of Section 7-37-7.1 NMSA 1978
7 upon a rate of at least two dollars (\$2.00) on each one
8 thousand dollars (\$1,000) of net taxable value, as that term is
9 defined in the Property Tax Code, or any community college that
10 reduces a previously authorized tax levy, except as required by
11 the operation of the rate limitation provisions of Section
12 7-37-7.1 NMSA 1978.

13 D. The commission on higher education shall require
14 from the community college such reports as the commission deems
15 necessary for the purpose of determining the number of full-
16 time-equivalent students at the community college eligible to
17 receive support under this section.

18 E. A community college board shall establish
19 tuition and fee rates for its respective institutions for full-
20 time, part-time, resident and nonresident students, as defined
21 by the commission on higher education.

22 F. A community college board may establish and
23 grant gratis scholarships to students who are residents of New
24 Mexico in an amount not to exceed the matriculation fee or
25 tuition and fees, or both. ~~[Except as provided for lottery~~

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1 ~~scholarships]~~ The gratis scholarships are in addition to the
 2 lottery tuition scholarships authorized in Section 21-13-10
 3 NMSA 1978 and shall be granted to the full extent of available
 4 funds before lottery tuition scholarships are granted. The
 5 number of scholarships established and granted pursuant to this
 6 subsection shall not exceed three percent of the preceding fall
 7 semester enrollment in each institution and shall not be
 8 established and granted for summer sessions. The president of
 9 each institution shall select and recommend to the community
 10 college board of his institution, as recipients of
 11 scholarships, students who possess good moral character and
 12 satisfactory initiative, scholastic standing and personality.
 13 At least thirty-three and one-third percent of the gratis
 14 scholarships established and granted by each community college
 15 board each year shall be granted on the basis of financial
 16 need. "

17 Section 3. Section 21-16-10 NMSA 1978 (being Laws 1968,
 18 Chapter 59, Section 3, as amended) is amended to read:

19 "21-16-10. APPROPRIATION--DISTRIBUTION. --

20 A. The commission on higher education shall
 21 recommend an appropriation for each technical and vocational
 22 institute based upon its financial requirements in relation to
 23 its authorized program and its available funds from non-general
 24 fund sources; provided, the recommended appropriation shall be
 25 an amount not less than three hundred twenty-five dollars

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1 (\$325) for each full-time-equivalent student.

2 B. The commission on higher education shall by rule
3 provide for the method for calculating the number of full-time-
4 equivalent students in technical and vocational institutes. No
5 student shall be included in any calculation of the number of
6 full-time-equivalent students if the student is enrolled in a
7 course, the cost of which is totally reimbursed from federal,
8 state or private sources. The public school district shall
9 transfer to the technical and vocational institute the tuition
10 and fees for any student who, during the term, is counted in
11 the membership of the public school district and will receive
12 high school credit for coursework at the technical and
13 vocational institute.

14 C. The commission on higher education shall not
15 recommend an appropriation greater than three hundred
16 twenty-five dollars (\$325) for each full-time-equivalent
17 student for any technical and vocational institute that levies
18 a tax at a rate less than two dollars (\$2.00), unless a lower
19 amount is required by operation of the rate limitation
20 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved
21 by the electors of at least two dollars (\$2.00) on each one
22 thousand dollars (\$1,000) of net taxable value, as that term is
23 defined in the Property Tax Code, or any technical and
24 vocational institute that reduces a previously authorized tax
25 levy, except as required by the operation of the rate

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1 limitation provisions of Section 7-37-7.1 NMSA 1978.

2 D. The board may establish and grant gratis
 3 scholarships to students who are residents of New Mexico in an
 4 amount not to exceed the matriculation fee or tuition and fees,
 5 or both. [~~Except as provided in Section 21-16-10.1 NMSA 1978~~]
 6 The gratis scholarships are in addition to the lottery tuition
 7 scholarships authorized in Section 21-16-10.1 NMSA 1978 and
 8 shall be granted to the full extent of available funds before
 9 lottery tuition scholarships are granted. The number of
 10 scholarships established and granted pursuant to this
 11 subsection shall not exceed three percent of the preceding fall
 12 semester enrollment in the technical and vocational institute
 13 and shall not be established and granted for summer sessions.
 14 The president of the technical and vocational institute shall
 15 select and recommend to the board as recipients of scholarships
 16 students who possess good moral character and satisfactory
 17 initiative, scholastic standing and personality. At least
 18 thirty-three and one-third percent of the gratis scholarships
 19 established and granted by the board each year shall be granted
 20 on the basis of financial need."

21 Section 4. Section 21-16-10.1 NMSA 1978 (being Laws 1996,
 22 Chapter 71, Section 6, as amended) is amended to read:

23 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

24 A. To the extent that funds are made available by
 25 the legislature from the lottery tuition fund, the board of a

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1 technical and vocational institute shall award tuition
2 scholarships for qualified resident students attending a
3 technical and vocational institute. [~~All other scholarship
4 funds available to the board shall be used before granting any
5 lottery tuition scholarships.~~]

6 B. The tuition scholarships authorized in this
7 section shall apply only to full-time resident students who,
8 immediately upon completion of a high school curriculum at a
9 public or accredited private New Mexico high school or upon
10 receiving a graduate equivalent diploma, are accepted for
11 entrance to and attend a technical and vocational institute.
12 Each tuition scholarship shall be awarded for up to two
13 consecutive years beginning the second semester of the
14 recipient's first year of enrollment, provided that the
15 recipient has maintained residency in New Mexico and maintained
16 a grade-point average of 2.5 or higher on a 4.0 scale during
17 his first semester of full-time enrollment with renewal of an
18 additional two years upon transfer.

19 C. The commission on higher education shall prepare
20 guidelines setting forth explicit student continuing
21 eligibility criteria and guidelines for administration of the
22 tuition scholarship program. Guidelines shall be distributed
23 to the boards of technical and vocational institutes to enable
24 a uniform availability of the resident student tuition
25 scholarships. "